

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:99CR3103
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
PATRICK SARDESON,)	
)	
Defendant.)	

This matter is before the court upon Defendant's motion for leave to appeal in forma pauperis. (Filing 66). Defendant seeks to appeal an August 29, 2006 order of this court (filing 64) which treated a letter from Defendant (filing 63) as a motion and denied it. I find that the letter in filing 63, construed as a motion to correct or reduce the sentence Defendant received on January 12, 2006 (filing 61), was not submitted in good faith for two reasons: it was filed out of time and lacked merit under F. R. Crim. P. 35. Accordingly, the appeal of the order denying that motion is not taken in good faith.

Pursuant to Fed. R. App. P. 24(a)(3), and for the foregoing reasons, I certify that the appeal is not taken in good faith and Defendant is not entitled to proceed on appeal in forma pauperis.

Accordingly,

IT IS ORDERED:

1. The appeal is not taken in good faith and Defendant's motion for leave to appeal in forma pauperis (filing 66) is denied; and

2. The Clerk of the Court shall forward a copy of this order with the Notice of Appeal.

September 26, 2006.

BY THE COURT:

s/Richard G. Kopf

United States District Judge